IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 1107 of 2004

Between:

1. M/s T.G.L.Poshak Corporation, rep.by its Partner

Mr.T.G.Suryanarayana Setty,
S/o T.G.Prahallad Setty, Adoni, Kurnool District.
2 Mr.T.G.Suryanarayana Setty, S/o T.G.Prahlad Setty,
3 Mr.T.G.Panduranga Setty, S/o T.G.Prahlad Setty,
R/o Adoni, Kurnool District.

..... PETITIONER(S)

AND

1 Andhra Bank, Adoni Branch, Kurnool District.
2 The Debt Recovery Appellate Tribunal, 4th Floor, Indian Bank,

Regional Office, 24/2, Ethiraja Salai Road, Egmore,

Chennai - 600 008.
3 The Debts Recovery Tribunal, 5th Floor, Triveni Complex,
Abids, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ Order or direction, one in the nature of Mandamus declaring the action of the 2nd respondent in directing the petitioner to deposit an amount of

Rs.15,00,000/- by its order dated 24-11-2003 in URA 23 of 2003 in O.A.No.97 of 1999 DRT, Hyderabad as erroneous.

Counsel for the Petitioner:SMT.CH.VEDAVANI, Advocate

Counsel for the Respondent No.1: Mr.K.SRINIVASAMURTHY, Advocate

Counsel for the Respondents 2 and 3: None appeared

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

Writ petitioners are questioning the order of the Debts Recovery Appellate Tribunal, Chennai dated 24th November, 2003 by which the petitioners were directed to deposit Rs.15 lakhs within a period of two months i.e., by 10th January, 2004 failing which it was directed that their appeal would stand rejected. Petitioners have filed the appeal against the order of the Debts Recovery Tribunal, Hyderabad dated 27-1-2003 under which the first respondent-Bank has obtained an order against the petitioners for payment of Rs.25,79,717/- with costs, current and future interest at 23% per annum with quarterly rests. The amount due as of today is stated to be Rs.32 lakhs and the amount payable is towards the liability which the bank had to discharge on behalf of the petitioners to the Bombay Customs towards customs duty.

We do not see any ground to interfere with the reasoned order of the Appellate Tribunal directing part of the amount to be paid as a condition precedent for hearing the appeal. Even time for deposit expired long back.

The writ petition is dismissed.

DEVINDER GUPTA, CJ

13-7-2004

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G.ROHINI, J

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To

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